

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HECTOR SOLANO,

Plaintiff,

v.

K. FLORES, et al.,

Defendants.

No. C 15-05509 BLF (PR)

**ORDER DIRECTING PLAINTIFF TO
PROVIDE COURT WITH MORE
INFORMATION FOR UNSERVED
DEFENDANT**

Plaintiff, a state prisoner currently incarcerated at Salinas Valley State Prison (“SVSP”) in Soledad, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against SVSP officials. On March 3, 2016, the Court issued an order of service upon SVSP Defendants. (Docket No. 6.) On March 17, 2016, Litigation Coordinator G. Lopez sent a letter to the Court indicating that Defendant Capt. K. Allen has never worked at SVSP. (Docket No. 14.) Accordingly, Defendant Capt. K. Allen has not been served.

Although a plaintiff who is incarcerated and proceeding *in forma pauperis* may rely on service by the Marshal, such plaintiff “may not remain silent and do nothing to effectuate such service”; rather, “[a]t a minimum, a plaintiff should request service upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has knowledge.” *Rochon v. Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987). Here, Plaintiff

1 has not provided sufficient information to allow the Marshal to locate and serve
2 Defendant Capt. K. Allen and therefore Plaintiff must remedy the situation or face
3 dismissal of his claims against this defendant without prejudice. *See Walker v. Sumner*,
4 14 F.3d 1415, 1421-22 (9th Cir. 1994) (holding prisoner failed to show cause why prison
5 official should not be dismissed under Rule 4(m) where prisoner failed to show he had
6 provided Marshal with sufficient information to effectuate service).

7 Accordingly, Plaintiff must file a notice providing the Court with an accurate and
8 current addresses for **Defendant Capt. K. Allen** such that the Marshal is able to effect
9 service. If Plaintiff fails to provide the Court with the information requested **within**
10 **thirty (30) days** of the date this order is filed, Plaintiff's claims against this Defendant
11 will be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil
12 Procedure.

13 **IT IS SO ORDERED.**

14 DATED: Mar 24, 2016


BETH LABSON FREEMAN
United States District Judge